Government of Kerala
1980

Reg. No. KL/TV(N)/12

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXV] Trivandrum, Saturday, 22nd November 1980 / 1st Agrahayana 1902 [No. 952

GOVERNMENT OF KERALA

General Administration (Political-A) Department

NOTIFICATION

No. 122833/Pol-A2/80/GAD. *Dated, Trivandrum,* 20*th November* 1980.

In pursuance of Rule 5 of the Rules of Business of the Government of Kerala and in partial modification of the allocation of business made in Notification No. 7766/Pol-A2/80/GAD dated the 27th January, 1980, published in the Kerala Gazette Extraordinary No. 47 dated the 27th January,1980, the Governor has been pleased to allot the portfolios "Stamps", "Building Tax" and "Tax on Employment" also to Shri K. M. Mani, Minister of Fnance & Law.

S. Anantakrishnan,
Chief Secretary to Government.

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33/4489/MC

Government of Kerala
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GOVERNMENT OF KERALA

Industries (E) Department

NOTIFICATIONS

No. 20652|E3|80|ID. *Dated, Trivandrum, 22nd November* 1980.

I

S. R. O. No. 1115/80.—Whereas the Government of Kerala have in notification No. 25177|E3|75|ID dated the 24th November, 1975, published as S. R. O. No. 1115|75 in the Kerala Gazette Extraordinary No. 692 dated the 24th November, 1975, declared under sub-section (1) of section 3 of the Kerala Relief Undertakings (Special Provisions) Act, 1961 (6 of 1962), that M/s Ruby Rubber Works Limited, Ruby nagar, Changanacherry, shall, for a period of two years with effect on and from 24-11-1975, be conducted to serve as a measure of preventing unemployment and of unemployment relief;

And whereas the Government of Kerala have, under sub-section (2) of section 3 of the said Act renewed the said notification for a period of one year with effect from 24-11-1977 as per notification No. 19374|E3|77|ID dated the 21st November, 1977, published as S. R. O. No. 1076|77 in the Kerala Gazette Extraordinary No. 680 dated the 21st November 1977 and another period of one year with effect from 24-11-1978 as per Notification No. 35502|E3|78|ID dated the 20th November, 1978 published as S. R. O. No. 1070|78 in the

Kerala Gazette Extraordinary No. 749 dated the 21st November, 1978 and a further period of twelve months from 24-11-1979 as per notification No. 32397|E3|79|ID dated 6-11-1979, published as S. R. O. No. 1248|79 in the Kerala Gazette No. 45 dated 13-11-1979;

And whereas the period, during which M|s Ruby Rubber Works Limited, Ruby nagar, Changanacherry shall continue to be a Relief Undertaking, expires on 23-11-1980;

And whereas the Government of Kerala are satisfied that it is necessary that M|s Ruby Rubber Works Limited, Ruby nagar, Changanacherry, should be continued to be a Relief Undertaking for the purposes of the said Act for a further period of twelve months from 24-11-1980;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 3 of the Kerala Relief Undertaking (Special Provisions) Act, 1961 (6 of 1962), the Government of Kerala hereby declare that M|s Ruby Rubber Works Limited, Ruby nagar, Changanacherry, shall, for a period of twelve months from the 24th November, 1980, be continued to be conducted to serve as a measure of preventing unemployment and of unemployment relief.

II

S. R. O. No. 1116/80.—In exercise of the powers conferred by section 4 of the Kerala Relief Undertakings (Special Provisions) Act, 1961 (6 of 1962), the Government of Kerala hereby direct that during the period M|s Ruby Rubber Works Limited, Ruby nagar, Changanacherry continues as a Relief Undertaking by virtue of notification I published as S. R. O. No. 1115|80

(i) all the provisions of the laws specified in the Schedule to the said Act, which involve any financial commitment or expenditure shall not apply and shall be exempt in respect of the said undertaking;

(ii) all agreements, settlements and awards made under any of the laws specified in the Schedule to the said Act, which were applicable to the said Undertaking immediately before it was taken over by the Government as a Relief Undertaking shall be suspended in operation;

(iii) the liability of the undertaking to pay tax under the Kerala General sales tax Act, 1963, (15 of 1963), incurred before it was declared as a relief undertaking and any remedy for enforcing the payment thereof shall be suspended and all proceedings

relating to the levy, assessment, collection and recovery of such tax pending before any court, tribunal, officer or authority shall be stayed;

(iv) the liability or obligation of the said Undertaking accrued or incurred before it was declared as a Relief Undertaking and any remedy for the enforcement thereof shall be suspended and all proceedings relative thereto pending before any court, tribunal, officer, or authority shall be stayed; and

(v) the right, privilege, obligation or liability referred to in paras (iii) and (iv) above shall, on the notification ceasing to have force, revive and be enforceable and the proceedings referred to therein shall be continued:

Provided that in computing the period of limitation for the enforcement of such right, privilege, obligation or liability, the period during which it was suspended or stayed under paras (iii) and (iv) above shall be excluded.

By order of the Governor,

K. SIVASANKARAN NAIR,

Additional Secretary.

Explanatory Note

(This does not form part of the notification but is intended to indicate its general purport)

In order to facilitate its rehabilitation through Industrial Reconstruction Corporation of India, Government have declared M/s Ruby Rubber Works Limited, Changanacherry as a relief undertaking from 24-11-1975. The period of the existing notification in this regard will expire by 23-11-1980. As the unit has not yet become viable, Government have decided to extend the provisions of the Kerala Relief Undertakings (Special Provisions) Act, 1961 to M/s Ruby Rubber Works Limited for a further period of one year from 24-11-1980. Hence this notification.

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GOVERNMENT OF KERALA

Food (D) Department

ORDERS

I

No. G. O. (Ms) 61-A|80|Food.

Dated, Trivandrum, 22nd November, 1980.

S. R. O. No. 1118/80.—In exercise of the powers conferred by sub-sections (1) and (2) of section 3 of the Essential Commodities Act, 1955 (Central Act 10 of 1955), read with the order of the Government of India in the Ministry of Agriculture and Irrigation (Department of Food) No. G. S. R. 800 dated the 9th June, 1978, published in the Gazette of India, Part II, section 3, sub-section (i) dated the 17th June, 1978, and with the prior concurrence of the Central Government, the Government of Kerala hereby make the following order further to amend the Kerala Foodgrains Dealers' Licensing Order, 1967, issued under Notification No. 12719|Fd. B1|67|Fd. D. dated the 23rd September, 1967, namely:—

1. This order may be called the Kerala Foodgrains Dealers' Licensing (Amendment) Order, 1980.

33|1496|MC.

2. In the Kerala Foodgrains Dealers' Licensing Order, 1967—
   (a) in clause 7, after the words "after giving the dealer concerned an opportunity of stating his case", the words "and an opportunity of hearing him in person" shall be inserted;
   (b) in sub-clause (i) of clause 8,—
      (i) in the first proviso, after the words "unless the licensee has been given a reasonable opportunity of stating his case in writing", the words "and an opportunity of hearing him in person" shall be inserted;
      (ii) in the second proviso the words "for standing his case" occurring at the end, shall be omitted;
   (c) in sub-clause (1) of clause 10, after the words "after giving the licensee a reasonable opportunity of stating his case", the words "and an opportunity of hearing him in person" shall be inserted;
   (d) in sub-clause (3) of clause 11, the words "and an opportunity of hearing him in person" shall be added at the end;
   (e) in the proviso to clause 11A, after the words "unless the person concerned is given an opportunity of making any representation which he may wish to make", the words "and an opportunity of hearing him in person" shall be inserted.

Explanatory Note

(This is not part of the Notification but intended to explain its general purport).

The Committee on Subordinate Legislation (Fifth Lok Sabha) has suggested in its sixth Report the extension of an opportunity of being heard in person to persons against whom departmental penalty for violation of rules under Subordinate Legislation is proposed to be imposed. The Government of India have, therefore, advised the State Government to undertake a review of the existing orders issued under the Essential Commodities Act, 1955 to see whether the procedure prescribed therein conforms to the spirit of natural justice. After such a review of the Kerala Foodgrains Dealers' Licensing Order, 1967, Government feel that clauses 7, 8, 10, 11 and 11A thereof have to be suitably amended to provide for personal hearing also before proceeding further as envisaged in those clauses. This notification is intended to achieve the above object.

II

No. G. O. (Ms) 61-B|80|Food.

Dated, Trivandrum, 22nd November, 1980.

S. R. O. No. 1119/80.—In exercise of the powers conferred by sub-sections (1) and (2) of section 3 of the Essential Commodities Act, 1955 (Central Act 10 of 1955) read with the Order of the Government of India in the Ministry of Agriculture and Irrigation (Department of Food), G. S. R. 800 dated the 9th June, 1978, published in the Gazette of India, Part II, section 3, sub section (i) dated the 17th June, 1978, and with the prior concurrence of the Central Government, the Government of Kerala hereby make the following Order further to amend the Kerala Rice and paddy (Procurement by Levy) order, 1966, issued under notification No. 8915|Fd. B1|66-18|Fd. D. dated the 1st July, 1966, published in the Gazette Extraordinary No. 57 dated the 1st July, 1966, namely:—

1. This Order may be called the Kerala Rice and Paddy (Procurement by Levy) Amendment Order, 1980.

2. In the Kerala Rice and Paddy (Procurement by Levy) Order, 1966, in sub-clause (2) of clause 6, after the words "after giving an opportunity to the cultivator to state his case", the words "and also an opportunity to hear him in person" shall be inserted.

Explanatory Note

(This is not part of the Notification, but intended to explain its general purport).

The Committee on Subordinate Legislation (Fifth Lok Sabha) has suggested in its Sixth Report the extension of an opportunity of being heard in person to persons against whom departmental penalty for violation of rules under subordinate legislation is proposed to be imposed. The Government of India have, therefore, advised the State Government to undertake a review of the existing Orders issued under the Essential Commodities Act, 1955 to see whether the procedure prescribed therein conforms to the spirit of natural justice. After such a review of the Kerala Rice and Paddy (Procurement by Levy) Order, 1966, Government feel that sub-clause (2) of clause 6 of that Order has to be suitably amended to provide for personal hearing also before proceeding further as contemplated in that sub-clause. This notification is intended to achieve the above object.

By order of the Governor,

T. MADHAVA MENON,

Special Secretary to Government.

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